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**IN THE SUPREME COURT OF THE STATE OF IDAHO
2005 Opinion No. 59**

STATE OF IDAHO,)	
)	
Plaintiff-Appellant,)	
)	
v.)	Docket No. 29959
)	
RICKY RICARDO QUINTERO,)	
)	
Defendant-Respondent.)	
)	

Appeal from the District Court of the Third Judicial District of the State of Idaho, Canyon County. Hon. Renae J. Hoff, District Judge.

The judgment of the district court dismissing one count of a criminal information is: reversed and remanded.

Hon. Lawrence G. Wasden, Attorney General, Boise, for appellant. Kenneth K. Jorgensen argued.

Molly J. Huskey, State Appellate Public Defender, Boise, for respondent. Justin M. Curtis argued.

In a unanimous decision, the Idaho Supreme Court reversed the district court's decision to dismiss a charge on the basis that the district court lacked jurisdiction.

Pursuant to Idaho Code Section 18-915A, Ricky Ricardo Quintero was charged with a count of removing a firearm from a law enforcement officer. The State of Idaho's charging document omitted an element of the crime. At trial, Quintero made a jurisdictional challenge to the charging document after the State rested but before the jury had rendered a verdict. The district court dismissed the charge on the basis that the charging document was jurisdictionally defective.

The Idaho Supreme Court held that because Quintero's challenge was purely jurisdictional, it could be raised at any time. The Idaho Supreme Court also held the charging document in this case conferred jurisdiction on the district court because it contained a statement of the territorial jurisdiction of the district court and cited the applicable section of the Idaho Code.